
Introduced by Senator Baca

February 19, 1999

An act to add Section 31720.6 to the Government Code, relating to county employee retirement benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 558, as introduced, Baca. County employee retirement benefits.

The County Employees Retirement Law of 1937 provides that the development of heart trouble by specified safety members shall be presumed to arise out of and in the course of employment.

This bill would prescribe a similar presumption in the case of the development of cancer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31720.6 is added to the
2 Government Code, to read:
3 31720.6. (a) If a safety member, a fireman member,
4 or a member in active law enforcement who has
5 completed five years or more of service under a pension
6 system established pursuant to Chapter 4 (commencing
7 with Section 31900) or under a pension system established
8 pursuant to Chapter 5 (commencing with Section 32200)
9 or both or under this retirement system or under the
10 Public Employees' Retirement System or under a

1 retirement system established under this chapter in
2 another county, and develops cancer, the cancer so
3 developing or manifesting itself in those cases shall be
4 presumed to arise out of and in the course of employment.
5 The cancer so developing or manifesting itself in those
6 cases shall in no case be attributed to any disease existing
7 prior to that development or manifestation.

8 (b) Notwithstanding the existence of nonindustrial
9 predisposing or contributing factors, any member
10 permanently incapacitated for the performance of duty
11 as a result of cancer shall receive a service-connected
12 disability retirement if the member demonstrates both of
13 the following:

14 (1) Exposure to a known carcinogen as a direct result
15 of performance of job duties and not solely as a result of
16 work environment.

17 (2) A reasonable link between the disabling cancer
18 and the known carcinogen to which the member was
19 exposed. "Known carcinogen" for purposes of this section
20 means those carcinogenic agents recognized by the
21 International Agency for Research on Cancer, or its
22 director.

23 (c) "Fireman member," for purposes of this section,
24 includes a member engaged in active fire suppression
25 who is not classified as a safety member.

26 (d) "Member in active law enforcement," for
27 purposes of this section, includes a member engaged in
28 active law enforcement who is not classified as a safety
29 member.